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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/749,233	12/30/2003	Myung-Ky Jang	11038-146-999	8337
24341	7590	12/14/2004	EXAMINER	
MORGAN, LEWIS & BOCKIUS, LLP. 2 PALO ALTO SQUARE 3000 EL CAMINO REAL PALO ALTO, CA 94306			SHAFFER, RICKY D	
			ART UNIT	PAPER NUMBER
			2872	

DATE MAILED: 12/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/749,233

Applicant(s)

JANG

Examiner

Ricky D. Shafer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 18 May 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 12/30/2003.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sakata ('044) in view of Hoek ('743).

Sakata discloses an outside rear view mirror fixing structure for a vehicle comprising a mounting bracket including a base (11) hinged to a mirror housing (12) configured and dimensioned with a dimensioned with a coupling (17); a fastening hole (Pb) positioned corresponding to said coupling and equipped with a clip fastening hole (Pa); and a clip (14) positioned corresponding to said clip fastening hole to provisionally fix said base at said fastening hole, note figures 1-5 along with associated description thereof, except for explicitly stating that the mounting bracket includes a base cover encompassing an external side of the base.

Hoek teaches it is known to use a mounting bracket including a base and a base cover in the same field of endeavor for the purpose of attaching a mirror housing to a vehicle.

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify the integral structure of the mounting bracket of Sakata to include a separable mounting bracket including a base and a base cover, as taught by Hoek, in order to easily replace defective parts, since it has been held that constructing a formerly integral

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structure in various elements involves only routine skill in the art. Note: Nerwin V. Erlichman, 168 USPQ 177, 179.

3. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sakata ('044) in view of Hoek ('743).

Sakata discloses an outside rear view mirror fixing structure for a vehicle comprising a mounting bracket including a base (2) hinged to a mirror housing and formed with a plurality of female screws (4); a quadrant panel (8) formed with a plurality of bolt fastening holes (8a) at positions corresponding to said plurality of female screws and equipped with a clip fastening hole (8b); and a clip (6) integrally formed at a position corresponding to said clip fastening hole to provisionally fix said base to said quadrant panel, note figure 10 along with the associated description thereof, except for explicitly stating that the mounting bracket includes a base cover encompassing an external side of the base.

Hoek teaches it is known to use a mounting bracket including a base and a base cover in the same field of endeavor for the purpose of attaching a mirror housing to a vehicle.

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify the integral structure of the mounting bracket of Sakata to include a separable mounting bracket including a base and a base cover, as taught by Hoek, in order to easily replace defective parts, since it has been held that constructing a formerly integral structure in various elements involves only routine skill in the art. Note: Nerwin V. Erlichman, 168 USPQ 177, 179.

4. Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sakata ('044) in view of Hoek ('743) as applied to claim 1 above, and further in view of Dolan et al ('449).

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Sakata in view of Hoek discloses all of the subject matter claimed, note the above explanation, except for the clip having a free end with a hollow part, hitching jaws and a plurality of grooves.

Dolan et al teaches it is known to use a clips having a free end with a hollow part, hitching jaws and a plurality of grooves in the same field of endeavor for the purpose of attaching a base of a mirror housing to a quadrant panel.

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify the clip of Sakata to include a clip including a free end with a hollow part, hitching jaws and a plurality of grooves, as taught by Dolan et al, in order to strengthen the securability of the mirror housing to the quadrant panel.

5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: Reference numeral (9), shown in Fig. 1, lacks a proper written description. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ricky D. Shafer whose telephone number is (571) 272-2320.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RDS

December 12, 2004

*Ricky D. Shafer*  
RICKY D. SHAFER  
PATENT EXAMINER  
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